OIPE JC98
JUL 19 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/508,978

Applicant: Hwu et al.

Filed: November 19, 2004

TC/AU: 1614

Examiner: Unassigned

Docket No.: 230591 (Client Reference No. E-137-2002/0-US-03)

Customer No.: 45733

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

REQUEST FOR CORRECTION OF INVENTORSHIP OF PATENT APPLICATION UNDER 37 C.F.R. § 1.48(c)

Dear Sir:

1. In accordance with 37 C.F.R. § 1.48(c), Applicants hereby request that the above-captioned patent application be amended to additionally name Warren Leonard, Rosanne Spolski, and Katsutoshi Ozaki as inventors.

2. The present application is a U.S. National Phase of PCT/US03/09707 filed March 27, 2003, claiming priority to U.S. Patent Application No. 60/368,438, filed on March 27, 2002.

3. The amendment of inventorship is believed to be necessitated by claim amendments as reflected in the attached preliminary amendment adding claims 58-65.

4. Pursuant to 37 C.F.R. § 1.48(c), the following are submitted herewith:

(a) Statement Under 37 C.F.R. § 1.48(c)(2) by Patrick Hwu, Gang Wang, Warren Leonard, Rosanne Spolski, and Katsutoshi Ozaki;

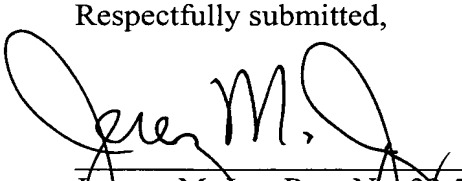
(b) Combined Declaration and Power of Attorney of Warren Leonard, Rosanne Spolski, and Katsutoshi Ozaki;

(c) Written Consent of Assignee Under 37 C.F.R. § 1.48(c)(5), for the Government of the United States of America as represented by the Secretary Department of Health and Human Services, along with accompanying delegation of authority.

07/20/2005 HALI11 00000073 121216 10508978
03 FC:1464 130.00 DA

5. Please charge **Deposit Account No. 12-1216** for the processing fee of $130.00 required by 37 C.F.R. § 1.17(i). A duplicate copy of this document is transmitted herewith for that purpose.

Respectfully submitted,



Jeremy M. Jay, Reg. No. 33,587
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

Date: July 19, 2005

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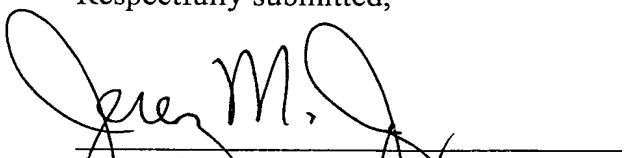
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☐ Declaration Submitted with Initial Filing OR
☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor *(if only one name is listed below)* or an original, first, and joint inventor *(if plural names are listed below)* of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD FOR TREATING CANCER IN HUMANS

the specification of which:

☐ is attached hereto.
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In re Appln. of Hwu et al.
U.S. Patent Appln. No. 10/508,978

As a named inventor, I hereby appoint the attorneys and patent agents of the National Institutes of Health, Office of Technology Transfer, and of Leydig, Voit & Mayer, Ltd., who are identified with the following Customer Number, to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith:

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Full name of **sole or first inventor:** Patrick Hwu

Inventor's signature _____

Date 7/18/05

Country of Citizenship: US

Residence: Houston, TX
(city/state or country)

Post Office Address: 3317 Plumb Street, Houston TX 77005
(complete mailing address)

Full name of **second joint inventor,** if any: Gang Wang

Inventor's signature _____

Date _____ Country of Citizenship: US

Residence: Montgomery Village, MD
(city/state or country)

Post Office Address: 20220 Darlington Drive, Montgomery Village, MD 20886
(complete mailing address)

Full name of **third joint inventor,** if any: Warren Leonard

Inventor's signature _____

Date _____ Country of Citizenship: U.S.

Residence: Bethesda, MD
(city/state or country)

Post Office Address: 9020 Burdette Road, Bethesda, MD 20817
(complete mailing address)

Full name of **fourth joint inventor,** if any: Rosanne Spolski

Inventor's signature _____

Date _____ Country of Citizenship: U.S.

Residence: Ellicott City, MD
(city/state or country)

Post Office Address: 4621 Old Dragon Path, Ellicott City, MD 21042
(complete mailing address)

Full name of **fifth joint inventor,** if any: Katsutoshi Ozaki

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Date _____ Country of Citizenship: Japan

Residence: Tokyo, Japan
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PATENT
Attorney Docket No. 230591
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the specification of which:

☐ is attached hereto.
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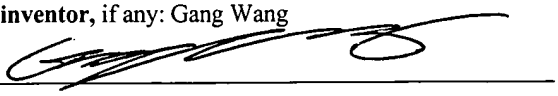
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Full name of **second joint inventor,** if any: Gang Wang

Inventor's signature 

Date 7/11/2005

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Inventor's signature Rosanne Spolski

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Residence: Bethesda, MD
(city/state or country)

Post Office Address: 9020 Burdette Road, Bethesda, MD 20817
(complete mailing address)

Full name of **fourth joint inventor,** if any: Rosanne Spolski

Inventor's signature _____

Date _____ Country of Citizenship: U.S.

Residence: Ellicott City, MD
(city/state or country)

Post Office Address: 4621 Old Dragon Path, Ellicott City, MD 21042
(complete mailing address)

Full name of **fifth joint inventor,** if any: Katsutoshi Ozaki

Inventor's signature K. Ozaki

Date 6/24/05

Country of Citizenship: Japan

Residence: Tokyo, Japan
(city/state or country)

Post Office Address: Yakushiji3311-1, Minamikawachi-machi, Kawachi-gun, Tochigi 329-0498, Japan
(complete mailing address)

OTP C JC98
JUL 19 2005
PAT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/508,978

Applicant: Hwu et al.

Filed: November 19, 2004

TC/AU: 1614

Examiner: Unassigned

Docket No.: 230591 (Client Reference No. E-137-2002/0-US-03)

Customer No.: 45733

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

STATEMENT UNDER 37 C.F.R § 1.48(c)(2)

Dear Sir:

I, Warren Leonard, am being added as a joint inventor to the above-identified patent application. My inclusion as an inventor has been necessitated by amendment of the claims. The error in inventorship occurred without any deceptive intention on my part.

Warren Leonard

Date: 6/24/05

OIPE JC98
JUL 19 2005
PATENT & TRADEMARK OFFICE

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U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

STATEMENT UNDER 37 C.F.R. § 1.48(c)(2)

Dear Sir:

I, Rosanne Spolski, am being added as a joint inventor to the above-identified patent application. My inclusion as an inventor has been necessitated by amendment of the claims. The error in inventorship occurred without any deceptive intention on my part.

Rosanne Spolski

Rosanne Spolski

Date: 6/27/05

OIPE JC98
JUL 19 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/508,978

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

STATEMENT UNDER 37 C.F.R. § 1.48(c)(2)

Dear Sir:

I, Katsutoshi Ozaki, am being added as a joint inventor to the above-identified patent application. My inclusion as an inventor has been necessitated by amendment of the claims. The error in inventorship occurred without any deceptive intention on my part.

K. Ozaki
Katsutoshi Ozaki

Date: 6/24/05

OIPE JC98
JUL 19 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Customer No.: 45733

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401 Dulany Street
Alexandria, VA 22314

WRITTEN CONSENT OF ASSIGNEE TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(c)(5)

Dear Sir:

1. The Government of the United States of America as represented by the Secretary, Department of Health and Human Services, National Institutes of Health (hereinafter referred to as Assignee), is an assignee of the above-identified patent application. An assignment from the original named inventors to the Assignee was recorded at the United States Patent and Trademark Office on Reel 015378, Frame 0091. Assignee hereby consents to the addition of Warren Leonard, Rosanne Spolski, and Katsutoshi Ozaki as inventors in the above-identified patent application.

2. The authority of the undersigned to execute this document on behalf of the Assignee is set forth in the accompanying delegation of authority.

Application No. 10/508,978

Respectfully submitted,

Mojdeh Bahar, Reg. No. 54,798
National Institutes of Health
Office of Technology Transfer
6011 Executive Blvd., Suite 325
Rockville, MD 20852-3804
US

Date: 07/14/2005

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DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
National Institutes of Health

Office of Technology Transfer
National Institutes of Health
6011 Executive Boulevard
Rockville, MD 20852

March 17, 2004

TO: NIH Patent Prosecution Contract Law Firms

FROM: Director, Office of Technology Transfer

SUBJECT: **Delegation of Authority for Certain Patent Administration and Prosecution Activities**

Effective this date and acting under the authority set forth in DHHS Secretary Louis W. Sullivan's May 21, 1991 memorandum appearing in the Friday, June 7, 1991 Federal Register Notices at Volume 56, Number 110, pages 26418-26419 (copy attached), I authorize:

Astor, Marlene (Reg. No. 46,005);
Bahar, Mojdeh (Reg. No. 54,798);
Berkley, Dale (Reg. No. 42,319);
Clouse, Thomas (Reg. No. 46,629);
Ferguson, Steven (Reg. No. 38,448);
Finley, Stephen (Reg. No. 36,357);
Haight, James C. (Reg. No. 25,588);
Kim, John Peter (Reg. No. 38,514);
Kindra, Jasbir (Reg. No. 41,115);
Pontzer, Norbert (Reg. No. 40,777);
Rodriguez, Richard U. (Reg. No. 45,980);
Rucker, Susan S. (Reg. No. 35,762);
Sadowski, David R. (Reg. No. 32,808);
Schmickel, David (Reg. No. 40,270);
Shmilovich, Michael A. (Reg. No. 45,634); and,
Spiegel, Jack (Reg. No. 34,477)

to exercise full authority in United States or International patents or patent applications in which the Government of the United States of America, as represented by the Secretary, Department of Health and Human Services, is an applicant or has an ownership interest with respect to the following:

- Signing original, associate, or substitute powers of attorney before the U.S. or International Authorities;
- Signing Request Forms, Demand Forms, and other documents filed in applications before the International Authorities;
- Signing assignee's consent to changes in inventorship;

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- Signing papers required from an assignee in connection with an application for Re-issue and/or Re-examination of a patent;
- Signing terminal disclaimers including, but not limited to, terminal disclaimers to obviate obviousness-type double patenting rejections; and,
- Signing all documents before the USPTO, either as the U.S. National Office or as a designated Receiving Office under the Patent Cooperation Treaty that can be signed by an assignee in patent matters.

Mark L. Rohrbaugh, Ph.D., J.D.
(Reg. No. 43,055)

Attachment

cc:
CTT Staff

Citation
56 FR 26418-02
1991 WL 300366 (F.R.)
(Cite as: 56 FR 26418)

Found Document

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NOTICES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of the General Counsel; Statement of Organization, Functions and Delegations of Authority

Friday, June 7, 1991

*26418 Part A, chapter AG (Office of the General Counsel, Office of the Secretary) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (38 FR 17033, June 28, 1973, as amended most recently in pertinent part at 55 FR 17500, April 25, 1990), and part H, chapter HN (National Institutes of Health, Public Health Service) (40 FR 22859, May 27, 1975, as amended most recently in pertinent part at 55 FR 35366, August 29, 1990), are amended to:

(1) Delete the Department Patent Officer (AG.35) and transfer patent administration and prosecution responsibilities from this officer to the Office of Technology Transfer (HNA432), Office of Intramural Affairs (HNA43), Office of Intramural Research (HNA4), Office of the Director (HNA), National Institutes of Health (HN), Public Health Service (H). Patent administration and prosecution activities will be consolidated with patent licensing functions within a single NIH organizational entity in order to improve program and resource management; and

(2) Retain patent legal services of the Department Patent Officer (AG.35) in the Public Health Division (AG.22.6), Office of the General Counsel, Office of the Secretary, and update the functional statement for the Public Health Division to reflect its responsibilities more accurately.

Office of the Secretary

Under Chapter AG, Office of the General Counsel, Sections AG.35 (Department Patent Officer) and AG.22.6 (Public Health Division), delete the titles and statements in their entirety and substitute the following:

Public Health Division (AG.22.6). The Public Health Division shall provide legal services, including patent legal services, for programs administered by the Public Health Service (except the Food and Drug Administration), e.g., the Office of the Assistant Secretary for Health, and the agencies and offices of the Public Health Service (other than FDA), including the Office of Technology Transfer and the Patent Policy Board.

Public Health Service

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ATTACHMENT

56 FR 26418-02
(Cite as: 56 FR 26418, *26418)

Under Chapter HN, National Institutes of Health, Section HNA, Office of the Director, Office of Intramural Affairs (HNA43), add the following title and statement:

Office of Technology Transfer (HNA432). (1) Develops policy and procedures for NIH, ADAMHA, and CDC to follow for the implementation of Cooperative Research and Development Agreements (CRADAs), patent licenses, and other technology transfers; (2) implements Patent Policy Board decisions and policies; (3) drafts, negotiates, and periodically revises model forms and agreements; (4) provides advice to ICDs on problem licenses and agreements; (5) develops policy statements on various technology transfer issues such as conflicts of interest; (6) tracks the OTT budget and prepares an annual status report to the NIH Office of the Director; (7) provides coordination and management of goals, functions, and operations of the Technology Management Branch, Technology Licensing Branch, and the Technology Transfer Coordination Branch; (8) coordinates and provides planning and liaison support for *26419 international CRADAs and technology transfers; (9) creates and implements special programs relating to technology transfer by State and local governments and universities; (10) drafts and presents Congressional testimony, and drafts technology transfer-related responses to other Congressional inquiries; (11) provides operational management activities; (12) assists the Office of the General Counsel (OGC) in evaluating patent- related litigation matters; (13) in consultation with OGC and the involved agency component, as appropriate, negotiates settlements on contested matters with licensees or other parties involved with NIH, ADAMHA, and CDC in technology transfer or utilization matters; (14) represents the NIH, ADAMHA, and CDC in technology transfer or utilization matters; (15) represents the above agencies at a variety of professional conferences and other public fora; (16) investigates special issues; (17) evaluates the need for and develops new programs in technology management and technology transfer for the above agencies; (18) develops licensing strategies for NIH/ADAMHA/CDC intramural and CRADA inventions; (19) negotiates licenses and other technology transfers; (20) works with scientist inventors, contract attorneys and others in preparing patent applications and prosecuting these applications at the Patent Office level; (21) handles infringements in consultation with the OGC at the Patent Office level; and (22) makes recommendations to the OGC for referral of matters to the Department of Justice.

Dated: May 21, 1991.

Louis W. Sullivan,

Secretary.

[FR Doc. 91-13423 Filed 6-6-91; 8:45 am]

BILLING CODE 4150-04-M

56 FR 26418-02, 1991 WL 300166 (F.R.)
END OF DOCUMENT

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